

THE NATIONAL ARCHIVES
LITTERA
SCRIPTA
MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 2 1934 NUMBER 221

Washington, Saturday, November 13, 1937

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDMENT OF PARAGRAPH 6, SUBDIVISION VII, SCHEDULE A, CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is ordered that paragraph 6, Subdivision VII, Schedule A of the Civil Service Rules be, and it is hereby, amended to read as follows:

"6. Temporary clerks, carriers, and laborers required for part-time or intermittent work in the Postal Service in connection with the holiday or seasonal business from November 15, 1937, to January 15, 1938."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 11, 1937.

[No. 7738]

[F. R. Doc. 37-3307; Filed, November 12, 1937; 11:27 a. m.]

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4774]

CASES AND BOTTLES FOR PACKAGING INDUSTRIAL ALCOHOL *To District Supervisors and Others Concerned:*

The first paragraph of article 55 of Regulations 3, page 57, as amended by T. D. 4502, dated December 15, 1934, is further amended to read as follows:

ART. 55. Original packages of alcohol filled at industrial-alcohol bonded warehouses may consist of cases containing 1-half-pint, 1-pint, 1-quart, or 1-gallon bottles (liquid measure), as follows: 32 one-half-pint bottles, 48 one-half-pint bottles, 16 one-pint bottles, 24 one-pint bottles, 12 one-quart bottles, 1 one-gallon bottle, or 3 one-gallon bottles.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, November 9, 1937.

ROSWELL MAGILL,
Acting Secretary of the Treasury.

[F. R. Doc. 37-3305; Filed, November 11, 1937; 3:56 p. m.]

[T. D. 4775]

SALE AND SHIPMENT OF PROPRIETARY SOLVENTS *To District Supervisors and Others Concerned:*

Paragraph (6), of Section 2, Title I, of the "Liquor Law Repeal and Enforcement Act," reads as follows:

(6) The term "regulation" shall mean any regulation prescribed by The Commissioner with the approval of the Secretary of the

Treasury for carrying out the provisions of this title or of Title III of the National Prohibition Act, and the Commissioner is authorized to make such regulations.

Pursuant to the authority conferred by the statute above quoted, the fourth, fifth, and sixth paragraphs of Article 146 of Regulations No. 3, as amended by Treasury Decision 16, dated August 2, 1933, Treasury Decision 4524, dated February 16, 1935, and Treasury Decision 4577, dated August 3, 1935, are further amended to read as follows:

"Proprietary solvents produced from specially denatured alcohol, Formula #1, may be sold by producers to users for solvent or other manufacturing purposes only, or to dealers or other producers for resale. Packages of such proprietary solvents containing more than five wine gallons shall be of metal only, and shall have embossed thereon the serial numbers and permit number or symbol of the producer by or for whom the packages are filled, such as are prescribed by Article 111, as amended by Treasury Decision No. 9, with respect to completely denatured alcohol. Such packages shall also bear the name and address of the producer by or for whom the packages are filled. Before packages are filled by one producer for another producer, permission must first be obtained therefor from the Commissioner.

"Upon written authorization of the Commissioner, shipments of proprietary solvents may be made by producers in railroad tank cars, or in tank wagons or tank trucks operated or controlled by them, or by their bona fide agents, to themselves at other locations, and to their bona fide agents where title remains vested in the producer; and producers and their bona fide agents may make shipments of such solvents by such means to (1) other producers of proprietary solvent; and (2) actual users for solvent or manufacturing purposes, and not for resale: Provided that, in the case of shipments to wholly-owned subsidiaries of the producer title may be transferred to such agents; and, provided further that, in the case of railroad tank car shipments the vendee has railroad siding facilities on his premises for receiving such tank car shipments; and, provided further, in the case of tank wagon or tank truck shipments the producer shall be responsible under his bond for the delivery of the proprietary solvents to actual users for solvent or manufacturing purposes.

"When proprietary solvents are sold by the producer to another producer, complete records of these transactions must be maintained by the actual producer and the vendee producer. Users of proprietary solvents who receive such solvents in railroad tank cars, tank wagons, or tank trucks, must maintain complete records of the receipt and actual use thereof. The records herein prescribed must be kept available for inspection by internal revenue officers."

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, November 9, 1937.

ROSWELL MAGILL,
Acting Secretary of the Treasury.

[F. R. Doc. 37-3306; Filed, November 11, 1937; 3:56 p. m.]



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the **FEDERAL REGISTER** should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 62]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA No. 1

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Boards for Districts No. 1 to No. 8, and of District No. 13 as to Van Buren, Warren, and McMinn Counties in Tennessee inclusive, constituting Minimum Price Area No. 1,

as defined in the Act, of the weighted averages of the total costs of the ascertainable tonnages produced in their respective districts in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determinations were based, as filed with the Commission pursuant to Order No. 55 of the Commission, dated October 1, 1937,¹ and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determinations, hereby orders and directs:

1. That the weighted averages of the total costs of the tonnage for Minimum Price Area No. 1 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of Two Dollars and Fifteen Cents (\$2.15), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission, and the several Statistical Bureaus of the Commission in Price Area No. 1.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretaries of the respective District Boards within Minimum Price Area No. 1, and publish a copy of this order in the Federal Register.

By order of the Commission.

Dated this 11th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3308; Filed, November 12, 1937; 12:12 p. m.]

[Order No. 63]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE FOR MINIMUM PRICE AREA No. 2

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon consideration of the determination of the District Boards for Districts No. 9, No. 10, No. 11 and No. 12, constituting Minimum Price Area No. 2, as defined in the Act, of the weighted averages of the total costs of the ascertainable tonnages produced in their respective districts in the calendar year 1936, adjusted as required by the Act, together with all computations upon which said determinations were based, as filed with the Commission pursuant to Order No. 55 of the Commission, dated October 1, 1937,¹ and in accordance with Section 4, Part II, subsection (a) of the Act, and upon consideration of the report of its Division of Statistics upon said determinations, hereby orders and directs:

1. That the weighted average of the total costs of the tonnage for Minimum Price Area No. 2 in the calendar year 1936, adjusted as required by the Act, be and it is hereby determined to be the sum of One Dollar and Seventy-nine Cents (\$1.79), per net ton.

2. That the weighted average figures of total costs determined herein shall be available for inspection by the public at the office of the Secretary of the Commission and the several statistical bureaus of the Commission in Price Area No. 2.

The Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, to the Secretaries of the respective District Boards within Minimum Price Area No. 2, and publish a copy of this order in the Federal Register.

By order of the Commission.

Dated this 11th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3309; Filed, November 12, 1937; 12:12 p. m.]

¹ 2 F. R. 2428 (DI).

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-59 O-59]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

Whereas under the Agricultural Marketing Agreement Act of 1937, which reenacts and further amends Public No. 10, 73rd Congress, as amended, notice of hearing is required in connection with a proposed marketing agreement and a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon marketing agreements and orders;

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling of milk in the Cincinnati, Ohio, Marketing Area;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of milk in the Cincinnati, Ohio, Marketing Area, in the Ballroom of the Alms Hotel, McMillan and Victory Parkway, Cincinnati, Ohio, on November 29, 1937 at 9:30 a. m., eastern standard time.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of milk in the Cincinnati, Ohio, Marketing Area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce in such milk. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of a marketwide settlement fund with a base rating plan; (e) deductions from payments to producers for marketing services by market administrator; (f) reports of handlers; (g) expense of administration.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

Dated, November 12, 1937.

[F. R. Doc. 37-3311; Filed, November 12, 1937; 12:44 p. m.]

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR HARVESTING OF THE 1937 CROP OF LOUISIANA SUGARCANE, PURSUANT TO THE SUGAR ACT OF 1937

Whereas, Section 301 (b) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however, That a*

payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

And whereas, section 301 (e) of the said act provides, in part, as follows:

The conditions provided in * * * subsection (b) with respect to wage rates, of this section shall not apply to work performed prior to the enactment of this Act; * * *

And

Whereas, the Secretary of Agriculture, on October 4, 1937,¹ held a public hearing in Baton Rouge, Louisiana, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1937 crop of Louisiana sugarcane.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine fair and reasonable wage rates with respect to the harvesting of the 1937 crop of Louisiana sugarcane as follows:

1. For adult male workers, not less than \$1.50 per day for cutting cane, and for adult female workers, not less than \$1.20 per day for cutting cane; or
2. Not less than 75 cents per ton for cutting cane on a tonnage basis.

In addition to the foregoing, the following requirements shall be met:

(1) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(2) That the producer shall provide laborers, free of charge, with the perquisites customarily furnished by him, e. g., a habitable house, a suitable garden plot with facilities for its cultivation, pasture for livestock, medical attention, and similar incidentals.

Done at Washington, D. C., this 12th day of November 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3310; Filed, November 12, 1937; 12:44 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3225]

IN THE MATTER OF ASKIN'S RETAIL STORES, INC., A CORPORATION
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

¹ 2 F. R. 2290 (DI).

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 22, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in room 424 of the Federal Trade Commission Building, 815 Connecticut Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3304; Filed, November 11, 1937; 3:32 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3217]

IN THE MATTER OF J. E. MILLER, DOING BUSINESS AS KONDI COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, December 16, 1937, at ten o'clock in the forenoon of that day (central standard time) in Room 324, Small Court Room, Main Post Office Building, Atlanta, Georgia.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to

take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3303; Filed, November 11, 1937; 3:32 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March; Ewin L. Davis; Robert E. Freer.

[Docket No. 3143]

IN THE MATTER OF BENJAMIN D. RITHOLZ, MORRIS I. RITHOLZ, SAMUEL J. RITHOLZ, SYLVIA RITHOLZ, FANNIE RITHOLZ AND SOPHIE RITHOLZ, INDIVIDUALS TRADING AS NATIONAL OPTICAL STORES COMPANY AND DR. RITHOLZ OPTICAL COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That W. W. Sheppard, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, December 2, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-3302; Filed, November 11, 1937; 3:32 p. m.]